

the enforcement of a broad range of U.N. resolutions that may have nothing to do with weapons of mass destruction. For the reasons I have mentioned, I will oppose this resolution.

In contrast, the Levin resolution strikes the right balance. This approach focuses on what matters most—destroying Saddam Hussein's weapons of mass destruction. And it calls on us to work with our allies to effectively accomplish this task. It gets us behind the U.N.'s efforts to get the weapons inspectors back into Iraq to do their job as soon as possible.

It also authorizes the use of force, with our allies, to get rid of Saddam Hussein's weapons of mass destruction if all diplomatic efforts fail.

Senator LEVIN's approach will also shake up the U.N. and force our allies to participate in a coalition to rid Saddam Hussein of his weapons of mass destruction. If we do not engage the U.N. and we decide to go it alone, the U.N. and our other key allies will likely sit on the sidelines while we confront Saddam Hussein and try to build a new country on our own. This is not in our best interest.

Finally, the Levin approach specifically affirms our right to self-defense. There is nothing in this approach that takes away our right to self-defense and to attack Iraq unilaterally to do so.

Therefore, no one should be confused about the Levin proposal. It does not take away our right to make our own decisions about our own actions or to defend ourselves. I believe this is the proper approach.

If we do this right, Mr. President, we will truly make the world safer for our families. If we choose the wrong approach, I am deeply concerned that we will start down a road that could ultimately create a more unstable and a more dangerous world for our children and our grandchildren.

There is no doubt that we can defeat Saddam Hussein in battle. The test of our strength is not in our ability to marshal our Armed Forces but our willingness to adhere to that which has made us great.

We are a strong and powerful nation, made that way by our willingness to go that extra mile in the name of liberty and peace. The time is now for us to work together in the name of the American people and get it right.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, are we in a period for morning business now?

The ACTING PRESIDENT pro tempore. We are not.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CONFIRMATION OF THE 80TH JUDICIAL NOMINEE OF THIS CONGRESS

Mr. LEAHY. Mr. President, this week Republican critics, for whom we expedited hearings and committee votes on a number of judicial nominees in their home States, spoke on the floor about their frustration that not all the President's judicial nominees have yet been confirmed. They complain about a handful of judicial nominees. The fact is that the hearing I will chair next week will include the 100th judicial nominee to receive a hearing since the Democrats became the majority party in the Senate less than 15 months ago. Had the Senate been more productive in 1999 and 2000 and the first months of 2001, when a Republican majority was not holding hearings and votes on judicial nominees, we would be farther along. Since the shift in majority, we have been proceeding dramatically faster than the Republicans. It took Republicans 33 months, almost 3 full years, to hold hearings for 100 of President Clinton's judicial nominees when they were in the majority, we will exceed that mark next week, in less than 15 months.

Republican critics who now come to the floor of the Senate expressing outrage that a handful of judicial nominees have not had a hearing in the past year, were deafeningly silent when scores of President Clinton's judicial nominees never received hearings after many months and years. For example, Judge Helene White of Michigan, nominated to the Sixth Circuit, waited in vain for over 4 years, 1,454 days, for a hearing and never had a hearing or a vote. James Beaty of North Carolina, nominated to the Fourth Circuit, waited in vain for almost 3 years, 1,033 days, and never got a hearing. H. Alston Johnson of Louisiana, nominated to the Fifth Circuit, waited in vain for over 600 days and never got a hearing. Others, such as Allen Snyder and Bonnie Campbell who were nominated to the D.C. Circuit and Eighth Circuit, received hearings but no committee vote. Likewise, Clarence Sundram, nominated to the Northern District of New York, waited 19 months for a hearing and then languished in committee without the committee vote for 18 months before his nomination was returned, after pending before the Senate for 1,119 days. There were others, too many others, who waited in vain for a hearing or after a hearing for committee consideration.

In addition, it often took months and sometimes years for those who were ultimately confirmed to be acted upon by the Republican-controlled Senate. For example, Judge Richard Paez, nominated to the 9th Circuit, was finally confirmed after four years, 1,520 days; Judge William Fletcher, also nominated to the 9th Circuit, was finally confirmed after 1,264 days; Judge Hilda Tagle, nominated to the District Court in Texas, waited 943 days to be confirmed; Judge Susan Molloway, nominated to the District Court in Hawaii, waited 913 days to be confirmed; Judge Ann Aiken, nominated to the District Court in Oregon, waited 791 days to be confirmed; Judge Timothy Dyk, nominated to the Federal Circuit, waited 785 days to be confirmed; Judge Marsha Berzon, nominated to the 9th Circuit, waited 772 days to be confirmed; Ronald Gould, nominated to the 9th Circuit, waited 739 days to be confirmed; Margaret McKeown, nominated to the 9th Circuit, waited 728 days to be confirmed; and Margaret Morrow, nominated to the California District Court, waited almost 2 years to be confirmed. Many others took more than 1 year.

I understand how difficult the confirmation process can be. During the 6½ years Republicans controlled the Senate only 39 judicial nominees, including seven circuit court nominees, were confirmed per year on average. In contrast, in less than 15 months, the Democratic majority has already confirmed 80 judicial nominees.

The confirmation process can be frustrating at times, but it is also important work by which we implement our constitutionally-mandated advise and consent role for these lifetime appointments. It is a role that I do not take lightly and the other Members of the Senate Judiciary Committee do not take lightly. Accordingly, it is distressing to hear unintentionally inaccurate portrayals of the progress we have made in the less 15 months of Democratic control of the Senate. It is true that we have not been able to confirm every single judicial nominee proposed by this President, but we have worked at a historically fast pace to address the vacancy crisis by moving consensus nominees first and working our way through the more controversial and divisive nominees.

Since the summer of 2001, we have held more hearings for more judicial nominees and more hearings for circuit court nominees than in any comparable 15-month period of the 6½ years in which Republicans last controlled the committee. With our hearing last week, the Democratic-led Judiciary Committee has now held 25 hearings for 96 district and circuit court nominees. This is twice the pace at which the Republican majority considered President Clinton's judicial nominees. The Judiciary Committee has likewise voted on more judicial nominees, 83, and on more circuit court nominees, 17, than in any comparable 15-month period of prior Republican

control. In fact, Democrats have given votes to more judicial nominees than in 1996 and 1997 combined as well as in 1999 and 2000 combined.

During their 6½ years of control, Republicans allowed only 39 judicial nominees to be confirmed per year, on average, 39, and only seven circuit court nominees to be confirmed per year on average. In contrast, in little more than a year, Democrats have already confirmed 80 of this Republican President's judicial nominees, including 14 circuit court nominees. We have done twice as much as their average, and yet they still complain.

Rather than compare the improvements we are making over the way they treated the judicial nominees of the last President when they were recently in the Senate majority, they would pick other times when the Senate and executive branch were headed by those of the same party. This reveals how embarrassed they must be about their own record. That must be why they ignore their own record and refuse to acknowledge the improvements we have made, the hard work we have done, and all that we have accomplished.

This past week, Republicans reiterated their claim that other Presidents had 80 or 90 percent of their circuit court nominees confirmed. This ignores entirely the efforts of these same Republicans to block President Clinton's circuit court nominees. For example, in 1996, Republicans allowed none, zero percent and the absolute number of zero circuit court nominees to be confirmed. In 1997, Republicans allowed only 7 of President Clinton's 21 circuit court nominees to be confirmed, about one-third. Only 5 of President Clinton's first 11 circuit court nominees that year were confirmed that same year. In 1998, Republicans allowed 13 of the 23 pending circuit court nominees to be confirmed, which was 56 percent for the year, their best year for circuit court confirmations in their 6½ years of control of the Senate. In 1999, Republicans were back down to 28 percent, when they allowed only seven of the 25 circuit court nominations made to be confirmed, or about one of every four. Four of President Clinton's first 11 circuit court nominees that year were not confirmed. In 2000, Republicans allowed only 8 of the 26 circuit court nominees pending to be confirmed, or 31 percent. All but one of the circuit court candidates initially nominated that year, were returned to President Clinton without confirmation.

Republicans simply have no standing to complain that 100 percent of President George W. Bush's circuit court nominees have not been confirmed. Recent history makes their complaints on this point ring hollow. Democrats have been better by far to this President's judicial nominees than Republicans were to the last President's. For example, at the most recent judicial nominations hearing held last week, Democrats had already given hearings to 96

of the 105 eligible judicial nominees with complete files, the remaining two dozen nominees did not have completed files. Thus, 91 percent of judicial nominees who had completed files were given a hearing. This remarkable achievement is irrefutable evidence that we are not blocking this administration's judicial nominees.

I am certain that President Clinton would have been overcome with gratitude if the Republicans ever gave 91 percent of his judicial nominees hearings in the years Republicans controlled the confirmation process during his administration. They never did. Instead, almost half the time his judicial nominees never got hearings or votes. Indeed, only 49 percent of President Clinton's circuit court nominations were confirmed, 46 out of 93 nominations during the period of Republican control. How dare they complain that 100 percent or 90 percent of President Bush's circuit court or district court nominees have not been confirmed in our first 14½ months of control.

The real reason there are so many circuit vacancies is because Republicans blocked so many of President Clinton's judicial nominees. During the 6½ years of Republican control, the number of circuit vacancies more than doubled from 16 to 33, and the total number of vacancies increased from 65 to 110 by the time of the reorganization of the committee in the summer of 2001. If Republicans had not blocked the confirmation of almost two dozen, 22, circuit court nominees and many more district court nominees, Democrats on the Judiciary Committee would have begun with 11 circuit court vacancies, instead of the 33 we inherited. With the 10 new circuit court vacancies that arose over these past 14½ months, there would have been a total of 22 circuit court vacancies for this President to fill. At the Democratic pace of considering circuit court nominees, almost of all of them would have had hearings by now, and 14 of them would have already been confirmed, with our pace of confirmation. That would have left only 6 vacancies on the circuit courts today. That is what might have been, but for the determined, strategic blocking of so many circuit court nominees during the 6½ years of Republican control of the Senate.

Instead, even after 14 circuit confirmations, there are 27 circuit court vacancies. This number is still fewer than at the start of this Congress and fewer than the 33 vacancies we inherited. We have outstripped attrition and are making progress. We cannot undo the damage done between 1995 and 2001 overnight, but we have held hearings for 96 of this President's judicial nominees, which is more circuit and district court nominees in less than 15 months than they held when they first took over the Senate or in their subsequent years. It is more in raw numbers and in percentages. We have made real progress to fix the problems that we in-

herited from the period of Republican control of the process.

The Judiciary Committee has focused on consensus nominees. This prioritization will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible. Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation. The Senate should not and will not rubber stamp nominees who would undermine the independence and fairness of our federal courts. It is our responsibility to preserve a fair, impartial and independent judiciary for all Americans, of all races, all religions, whether rich or poor, whether Democrat or Republican.

The committee continues to try to accommodate Senators from both sides of the aisle. Virtually all of the Court of Appeals nominees included at hearings so far this year have been at the request of Republican Senators, including Senator GRASSLEY, Senator LOTT, Senator SPECTER, Senator ENZI, Senator SMITH, and Senator THOMPSON, Republican Senators who each sought a prompt hearing on a Court of Appeals nominee and who was accommodated.

However, the whipsawing by Republicans has been truly remarkable. When we proceed on nominees that they support and on whom they seek action, we are criticized for not acting on others. When we direct our effort to trying to solve problems in one Circuit, they complain that we are not acting in another. Since these multiple problems arose on their watch while they were in the majority, it is a bit like the arsonist who complains that the local fire department is not responding fast enough to all of his destructive antics.

This week the Senate confirmed its 79th and 80th judicial nominees since the change in Senate majority and reorganization of the Judiciary Committee less than 15 months ago. In so doing, we have confirmed more judicial nominees than were confirmed in the first 15 months of any of the past three Presidents and more judicial nominees than were confirmed in the last 30 months that a Republican majority controlled the Senate. Simply put, we have done more in half the time. We have achieved what we said we would by treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated. Partisan critics of these accomplishments ignore the facts. The facts are that we are confirming President Bush's nominees at a faster pace

than the nominees of prior presidents, including those who worked closely with a Senate majority of the same political party.

At this important time in our Nation's history we can all appreciate the need for a sound judiciary. Under the Democratic majority, we will continue to review nominees' files expeditiously and grant hearings regularly to candidates with complete paperwork and home State consent. Our record breaking efforts in the past 14½ months have left us with few remaining nominees who are ready to appear before the Committee. Of the circuit court nominees who have not yet received a hearing, half of them, 6, are without home State consent. Only 3 remain from the initial 11 circuit court nominees who have not had a hearing and have home State Senator support. Of the 17 district court nominees who have not yet received a hearing, more than half of them 9 have incomplete paperwork, including six of them without home State consent. Moreover, 9 out of 17 district court nominees are without ABA ratings.

Despite the partisan din about blockades and obstructionism, Democrats are actually achieving almost twice as much as our Republican counterparts did to staff the Federal courts. The Democratic Senate has shown its resolve to work in a bipartisan way to fill judicial vacancies. That is what the confirmation of 80 judges in less than 15 months demonstrates.

But let me be clear. Our judiciary would be in even better shape if so many judicial nominees of the prior administration had not been purposely blocked and defeated, if we received more timely reviews from the ABA, and even a little cooperation from this administration by nominating more moderate, mainstream judicial nominees. I, again, invite the President and all Republicans to join with us and work with us to fill the remaining judicial vacancies as quickly as possible with qualified, consensus nominees chosen from the mainstream and not for their ideological orientation, nominees who will be fair and impartial judges and will ensure that an independent judiciary is the people's bulwark against a loss of their freedoms and rights.

**SENATOR STROM THURMOND:
STATESMAN, PATRIOT, LEADER**

Mr. HELMS. Mr. President, last week, several Senators spoke during morning business one day about our distinguished colleague from South Carolina, Senator THURMOND. Long before I came to the Senate, I myself spoke many times on television editorials commending Senator THURMOND.

He was then, and is today, even more of a genuine American patriot than when I was in Raleigh never dreaming that I would one day be a colleague to Senator THURMOND in the Senate.

Trying to capture the essence of STROM THURMOND in a relatively few words of tribute is impossible. Who can adequately describe his firm handshake, his unmistakable South Carolina cadence, or his almost superhuman capacity for work? How to convey the explosive energy STROM THURMOND has carried anytime he walks into a room?

The sheer breadth of experience STROM THURMOND brings to the Senate boggles the mind: Born in 1902, he served South Carolina as State Senator, as a Circuit Judge, as Governor and as U.S. Senator.

He voted for Franklin Delano Roosevelt in 1932, and more than fifty years later, voted for Ronald Reagan in 1984. He ran for President against Harry Truman in 1948 and actively participated in Bill Clinton's impeachment trial in 1999.

When the Army told him he was too old to fight in World War II, he managed to obtain an age waiver, an age waiver, to participate in the fighting. Then, in typical STROM THURMOND fashion, he landed with the 82nd Airborne Division in Normandy on D-Day. Small wonder that Fort Bragg recently honored him by christening its newest building the Major General Strom Thurmond Strategic Deployment Facility.

My simple references to STROM THURMOND's accomplishments fail to convey the historic legacy he will leave in the Senate. In 1997, STROM became the longest serving Senator in the history of the institution, but he was the quintessential Senator long before he officially assumed that honor.

Senator THURMOND had great influence on my decision in 1972 to become a candidate for the Senate from North Carolina. He came to Raleigh many times urging me to run, and countless others to support me.

Every time he came, he told me again that if I would just run for the Senate, he would come to North Carolina frequently to campaign for me.

I decided to run because thanks to Senator THURMOND, there were many urging me to do it. And, sure enough, there he came, down from Washington to Raleigh, to help me. Again and again he came.

He was a fellow Southerner, and like me, he was a Democrat who had converted to the Republican Party. In those days, there were not a lot of Republicans in North and South Carolina, but STROM was determined to change that. And I might add, parenthetically, that no single individual, with the possible exception of Ronald Reagan, has done more to build the Republican Party in the South than STROM THURMOND.

Senator THURMOND knows how much I admire and respect him. He knows how grateful I am for his enormously helpful trips to North Carolina where we stood together, day after day, night after night, urging the people of North Carolina to send Helms to Washington to help STROM THURMOND.

I am proud to say, that STROM THURMOND became one of the best friends I have ever had, and one of the finest men I have ever known. He tutored me in the intricacies of the Senate and its traditions, the personal dedication the job requires, and the genuine commitment Senators owe to their constituents.

Some years ago, STROM paid me the ultimate honor of asking me to serve as godfather to his newborn daughter. Today, Julie Thurmond Whitmer is a beautiful young woman, and the pride I take in her is exceeded only by her father.

One final note, I owe Senator THURMOND my eternal gratitude for a favor he did for me.

When I arrived in the Senate, I was searching for young people to help me with my Senate responsibilities. Senator THURMOND referred a wonderfully smart, principled, and competent young lady for my staff.

After 30 years of working with, and for, the irreplaceable Mrs. Pat Devine, I can genuinely say that her presence among the "Helms Senate Family" is the finest helping hand STROM THURMOND could possibly extend to me.

Senator THURMOND watched over her protectively, and he often jokingly needed me about how I had "stolen away his red-head".

The Senate simply will never be the same without Senator THURMOND sitting tall and straight at his desk, serving the people of South Carolina and the country he loves.

He is a true friend, a great statesman, and a blessing to all who cherish the strength of statesmen like J. STROM THURMOND. He is a great patriot. He is my friend and I am his. This is a stronger and greater country because of his service and his dedication to the principles that made America great from the beginning.

**WHEN MEN MURDER WOMEN: AN
ANALYSIS OF 2000 HOMICIDE DATA**

Mr. LEVIN. Mr. President, earlier this week the Violence Policy Center released its annual review examining the role of firearms in murders involving one female victim and one male offender. The analysis found that in 2000, the most recent data available, a majority of women who were murdered were killed with firearms. Seventy-six percent of all firearm homicides of women were committed with handguns. The report is sobering in demonstrating how easily a domestic violence dispute can turn into domestic homicide.

According to the VPC's review, in 2000, there were 1,805 women murdered by males in single victim/single offender incidents reported to the FBI. Of the more 1,800 women murdered, 963 of the victims were wives or intimate acquaintances of their killers and 331 were murdered during the course of an argument. In my home State of Michigan, 82 women were murdered. For